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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,119	11/25/2003	Amit Raikar	200300497-1	1279

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EXAMINER
HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
2436	

NOTIFICATION DATE	DELIVERY MODE
06/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 March 2009*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-24* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 are pending in this office action.

2.   In view of the appeal brief filed on March 20, 2009, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432

Claim Objections

3.   Claim 12 is objected to because of the following informalities: claim 12 is

dependent on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-19 are rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory.

The mere recitation of the machine in the preamble with an absence of a

machine in the body of the claim fails to make the claim statutory under 35 USC 101.

Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.

Claims 20-22 are rejected because a computer usable medium can be tangible

and non-tangible. Examples can be found in paragraph 0011 of the specification.

Claim Rejections

6.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior office action.

Claim Rejections - 35 USC § 102

7.   Claims 1, 3, 4, 20, 23, and 24 are rejected under 35 U.S.C. 102(a/e) as being

anticipated by Casco-Arias et al. (U.S. Patent Pub. No. 2004/0250141).

Regarding claim 1, Casco-Arias et al. teaches a method/computer system

comprising:

- Describing a plurality of password policies in a computer usable password policy

  data structure (fig. 1, ref. num 132):

- Accessing said computer usable password policy data structure by a password

  policy enforcement agent (fig. 1, ref. num 110 and paragraph 0019); and

- Enforcing at least one of said plurality of password policies described within said password policy data structure by said password policy enforcement agent (fig. 1, ref. num 130 and paragraph 0021).

Regarding claim 20, Casco-Arias et al. teaches instructions on a computer usable medium wherein the instructions when executed cause a computer system to perform a method of establishing a consistent password policy, said method comprising:

- Describing a plurality of password policies in a computer usable password policy data structure (fig. 1, ref. nuum 132);

- Providing an access point with access to said computer usable password policy data structure (fig. 1, ref. num 110 and paragraph 0019); and

- Receiving feedback from a password policy enforcement agent associated with said access point about which of said plurality of password policies have been successfully enforced (paragraph 0019-0020).

Regarding claim 23, Casco-Arias et al. teaches a computer system comprising:

- A computer usable password policy data structure comprising a plurality of password policies (fig. 1, ref. num 132):

- A server configured to proved access to said computer usable password policy data structure at an access point configured to enforce at least one of said plurality of password policies using a password policy enforcement agent (fig. 1, ref. num 130 and paragraph 0021).

Regarding claim 3, Casco-Arias et al. teaches wherein said password policy

enforcement agent is operable on a client computer of a client-server computer system

(paragraph 0023).

Regarding claims 4 and 24, Casco-Arias et al. teaches wherein said method is

operable on a utility data center (fig. 2).

Regarding claim 5, Casco-Arias et al. teaches further comprising validating said

computer usable password policy data structure for authenticity by said password policy

enforcement agent (paragraph 0006).

Claim Rejections - 35 USC § 103

8.   Claim 2, 19, and 21 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Casco-Arias et al. (U.S. Patent Pub. No. 2003/0065942) in view of Cole et al. (U.S.

Patent Pub. No. 2002/0161707).

Regarding claims 2 and 21, Casco-Arias et al. teaches all the limitations of

claims 1 and 20, above. However, Casco-Arias et al. does not teach wherein said

computer usable password policy data structure comprises a file structure compatible

with extensible markup language.

Cole et al. teaches wherein said computer usable password policy data structure

comprises a file structure compatible with extensible markup language (paragraph

0067).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine using XML for the password policy structure, as taught

by Cole et al., with the method of Casco-Arias et al. It would have been obvious for

such modifications because XML is flexible and easy to read, both of which are

important when creating and updating password policies.

Regarding claim 19, Casco-Arias et al. teaches all the limitations of claim 1,

above. However, Casco-Arias et al. does not teach further comprising providing, by

said password policy enforcement agent, feedback to a configuration and aggregation

point, about which of said plurality of password policies have been successfully

enforced.

Cole et al. teaches further comprising providing, by said password policy

enforcement agent, feedback to a configuration and aggregation point, about which of

said plurality of password policies have been successfully enforced (paragraph 0083).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine providing feedback for successful enforcement, as

taught by <u>Cole et al.</u>, with the method of <u>Casco-Arias et al.</u> It would have been obvious for such modifications because feedback informs the user/administrator that the policy being enforced is working.

<u>Claims 6-18 and 22</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Casco-Arias et al.</u> (U.S. Patent Pub. No. 2003/0065942) in view of <u>Password Policy of eRA</u> (referred to as Password Policy hereinafter).

Regarding <u>claims 6-18 and 22</u>, <u>Casco-Arias et al.</u> teaches all the limitations of claims 1 and 20, above. However, <u>Casco-Arias et al.</u> does not teach specific policy types.

<u>Password Policy</u> teaches comprising a computer access password policy parameter selected from the set of computer access password policy parameters comprising: a threshold parameter for unsuccessful access attempts that when exceeded disables a computer system access account; a parameter indicating the a time duration within which said threshold parameter number of unsuccessful access attempts triggers locking of a computer system access account; an initial delay parameter to block access to a computer system access account for a period of time after an unsuccessful access attempt; a minimum password length parameter; a maximum password length parameter; a parameter to prohibit passwords consisting of a natural language word; a parameter to prohibit passwords consisting of a palindrome;

a parameter to prohibit passwords consisting of a derivative of a computer system

account name; a parameter to automatically generate a password; a parameter to

automatically generate a pronounceable password consistent with all of said plurality of

password policies; and a parameter to specify a set of characters utilizable to

automatically generate a password (page 2-4, section 5.0 through 5.5).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine a plurality of different password policies, as taught by

Password Policy, with the method/computer system of Casco-Arias et al. It would have

been obvious for such modifications because the policies taught by Password Policy

reduce the risk of unauthorized access to servers and databases (see page 1, section

1.0 of Password Policy).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to BRANDON S. HOFFMAN whose telephone number is

(571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/
Primary Examiner, Art Unit 2436